

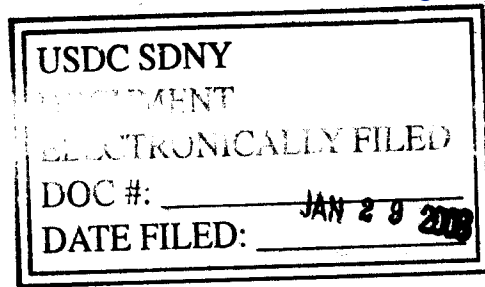
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

BARRY WINSTEN

Defendant.



INFORMATION

08 Cr \_\_\_\_ ( )

**08 CRIM 071**

COUNT ONE

The United States Attorney charges:

1. From in or about 2002 through on or about August 29, 2007, in the Southern District of New York and elsewhere, BARRY WINSTEN, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that BARRY WINSTEN, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, methaqualone, a Schedule I controlled substance, in violation of Sections 812, 841(a)(1), and 841(b)(1)(C) of Title 21, United States Code.

OVERT ACTS

3. In furtherance of the conspiracy to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. On or about August 29, 2007, BARRY WINSTEN, the defendant, traveled to 39<sup>th</sup> Street between 6<sup>th</sup> Avenue and Broadway, New York, New York, with approximately 1000 pills of methaqualone in order to sell them to a co-conspirator not named herein.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNT ONE

4. As a result of committing the controlled substance offense alleged in Count One of this Information, BARRY WINSTEN, the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds said defendant obtained directly or indirectly as a result of said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Information, in violation of Title 21, United States Code, Section 846, including but not limited to the following:

a. At least \$1,087,141 in United States currency, seized on or about August 30, 2007 from WINSTEN's residence and on or about September 4, 2007 from a safe deposit box controlled by WINSTEN, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offense charged in Count One of this Information.

Substitute Assets Provision

5. If any of the property described above as being

subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

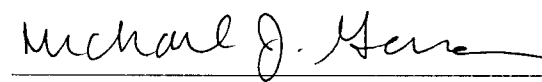
(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
MICHAEL J. GARCIA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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BARRY WINSTEN,

Defendant.

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INFORMATION

08 Cr. \_\_\_\_ (\_\_\_\_)

(21 U.S.C. § 846.)

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MICHAEL J. GARCIA

United States Attorney.

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Jan. 29, 2008

Filed waiver of Indictment and Information  
Dept. pres r/ally Mike Rosen. AUSA: William Harrington  
present. Dept. arraigned and pleads <sup>not</sup> guilty. Time excluded  
from Jan. 29, 2008 to March 4, 2008, for the reasons stated on  
the record. Dept. cont'd released.

Freeman, USMJ